

Warren County Board of Supervisors

RESOLUTION NO. 336 OF 2012

Resolution introduced by Supervisors Bentley, Kenny, Strainer, Monroe, Dickinson, Vanselow and Mason

TO ENACT LOCAL LAW NO. 6 OF 2012

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed Local Law being entitled, “A Local Law Prohibiting the Sale and/or Use of Synthetic Cannabinoids in Warren County”, and

WHEREAS, the Board of Supervisors adopted Resolution No. 257 of 2012 on April 20, 2012, authorizing a public hearing to be held by the Board of Supervisors on the 18th day of May, 2012, at the Supervisors’ Room in the Warren County Municipal Center on the matter of the proposed Local Law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, the Board of Supervisors of the County of Warren, New York, on this 18th day of May, 2012, does hereby enact and adopt Local Law No. 6 of 2012 as set forth in Schedule “A” annexed hereto, and be it further

RESOLVED, that the Chairman of the Board of Supervisors, Clerk of the Board of Supervisors, County Administrator and County Attorney are hereby authorized to make such minor modifications to the Local Law as deemed necessary, and are authorized to execute, file and publish the Local Law and take all necessary actions for the promulgation thereof.

RESOLUTION NO. 336 OF 2012

PAGE 2 OF 7

SCHEDULE “A”

COUNTY OF WARREN LOCAL LAW NO. 6 OF 2012

“A LOCAL LAW PROHIBITING THE SALE AND/OR USE OF SYNTHETIC CANNABINOIDS IN WARREN COUNTY”

Be it enacted by the Board of Supervisors of the County of Warren, as follows:

Section 1. Title. This Local Law shall be known as “A Local Law Prohibiting the Sale and/or Use of Synthetic Cannabinoids in Warren County.”

Section 2. Declaration of Legislative Findings/Intent/ Purpose.

The Warren County Board of Supervisors finds and determines that a series of products have become available in the United States and in Warren County that contain chemicals, called synthetic cannabinoids, that produce effects similar to marijuana when ingested or inhaled. The Board of Supervisors finds that products containing synthetic cannabinoids are particularly attractive to teenagers and young adults. In addition, the Federal Drug Enforcement Administration has determined that the consumption of synthetic cannabinoids can have or contribute to adverse health effects such as extreme agitation, anxiety, nausea, vomiting, tachycardia, elevated blood pressure, tremors, seizures, hallucinations, paranoid behavior and loss of consciousness. Studies have also indicated that individuals using synthetic cannabinoids may develop chemical dependencies, demonstrate addictive behavior and suffer withdrawal symptoms when they stop using these chemicals. Due to the imminent threat the use of such synthetic marijuana or synthetic cannabinoids has to public safety, the Federal Drug Enforcement Administration employed its emergency powers in March of 2011 to render five of these substances illegal for sale by designating them as Schedule

RESOLUTION NO. 336 OF 2012

PAGE 3 OF 7

I controlled substances. This action was for one year, with an extension until August 29, 2012.

Accordingly, the Board of Supervisors finds and determines that for the protection of the safety, health, comfort, and general welfare of Warren County citizens, the protection of their property, the preservation of peace and good order, and suppression of vice, the County must take action to respond to this threat in the absence of any permanent laws or regulations enacted by the State of New York and/or the United States government.

Section 3. Enactment Authority. This Local Law is adopted pursuant to authority provided in section 10 of the Municipal Home Rule Law of the State of New York.

Section 4. Definitions.

1. “Sell” means to sell, exchange, give, or dispose of to another or offer or agree to do the same by electronic means or otherwise.

2. “Synthetic Cannabinoids”—

A. Have common street names including, but not limited to, Blaze, Blueberry Haze, Dank, Demon Passion Smoke, Genie, Hawaiian Hybrid, K2, Magma, Ninja, Nitro, Ono Budz, Panama Red Ball, Posh, Puff, Sativah Herbal Smoke, Skunk, Spice, Ultra Chronic and Voodoo Spice.

These products are a mixture of herbal/spice plant products sprayed with potent psychotropic drugs, often contaminated with unidentified toxic substances which contribute to various adverse health effects, as well as causing hallucinogenic effects similar to the effects of PCP, and

B. Means any chemical compound this is chemically synthesized, such as a substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within the following structural classes:

RESOLUTION NO. 336 OF 2012

PAGE 4 OF 7

- i. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.
- ii. 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.
- iii. 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.
- iv. 1-(1-naphthylmethyl)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring.
- v. 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.; and

includes--

- i. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol(CP-47,497);
- ii. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);
- iii. 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);
- iv. 1-butyl-3-(1-naphthoyl)indole (JWH-073);

RESOLUTION NO. 336 OF 2012

PAGE 5 OF 7

- v. 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
- vi. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
- vii. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- viii. 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
- ix. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
- x. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- xi. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
- xii. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
- xiii. 1-pentyl-3-[(4-methoxy-benzoyl)]indole (SR-19 and RCS-4);
- xiv. 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and
- xv. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203), or

Is a chemical isomer, salt, or salt of an isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors.

3. “Loose Leaf Incense” includes loose potpourri, loose herbal incense, herbal smoking blends, or similarly dried or compacted, leafy substances sold or marketed, directly or indirectly, as a relaxation, smoking, or herbal enhancement product. Herbal dietary supplements or remedies and United States Food and Drug Administration approved herbal teas or products are not included as loose leaf incense under this section.

Section 5. Prohibitions.

A. No person, firm, corporation, partnership, association, limited liability company or other entity shall sell, offer for sale, deliver, knowingly possess, smoke, inhale, ingest, consume or be under the influence

RESOLUTION NO. 336 OF 2012

PAGE 6 OF 7

of any product containing any material, compound, mixture, or preparation which contains any quantity of synthetic cannabinoids as that term is defined herein in the County of Warren.

B. No person, firm, corporation, partnership, association, limited liability company or other entity shall sell or offer for sale loose leaf incense, as that term is defined herein, in the County of Warren except as follows:

- i. Every package of loose leaf incense sold shall contain the warning label that reads as follows: “This product is not meant to be inhaled or ingested. The side effects of ingestion or inhalation are unknown.”
- ii. All packages of loose leaf incense shall be labeled with each ingredient present in the product, including but not limited to all chemicals and additives contained therein.

Section 6. Exceptions.

The provisions of this law shall not apply to nonprescription over-the-counter drugs approved or regulated by the Federal Food and Drug Administration.

Section 7. Penalties.

Any person who knowingly violates the provisions of this law shall be guilty of an unclassified misdemeanor punishable and liable to be fined up to \$1,000.00 and/or up to one year’s imprisonment or any other sentence allowable pursuant to NYS Criminal Procedure Law.

Section 8. Enforcement.

This law shall apply to all actions occurring on or after the effective date of this article. This law may be enforced by any law enforcement agency having jurisdiction to act in the County of Warren, by either the arrest of or the issuance of a summons to a party violating the provisions of this law and requiring his/her

RESOLUTION NO. 336 OF 2012

PAGE 7 OF 7

appearance before a court of competent jurisdiction.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Effective Date.

This law shall take effect immediately upon filing with the Secretary of State.